Memorandum in Support of Motion on Mandate mentioned "the interdependence of C & EI's segment of the 'Georgian' trains, with the 'Hummingbird' trains * * *" in arguing for a remand of the "Hummingbird case" (Memorandum, p. 3). The court in remanding for a consolidated proceeding tersely stated that "* * * such service is so interwoven and entwined between the various railroads that only in a consolidated proceeding can a just and fair decision be reached" (App. A, *infra*, p. 13).

DISCUSSION

The district court's apparent reason for vacating the Commission's order in this case was its conclusion that the case should be consolidated and considered together with the appeal involving the "Georgian" trains. We consider this conclusion error for two reasons (apart from the error in the underlying "Georgian" case): first, it constituted action on the merits of the appeal, and thus ought not to have been taken in advance of briefing and oral argument; second, it is inconsistent with the Section 13a(1) requirement of *expeditious* proceedings to make discontinuance of the "Hummingbird" await completion of all proceedings relative to the "Georgian" where, as here, the Commission had already considered the relationship between the two trains and determined that, even if the one were continued, the other would continue to suffer losses warranting discontinuance (App. C, *infra*, p. 31).

These errors, we concede, may not in themselves have the general importance warranting plenary review in this Court, since their effect beyond the pe-

rimeters of this case is open to doubt. However, the district court's order is associated with and dependent upon its disposition of *City of Chicago, supra,* in which we are filing a Jurisdictional Statement that does, we believe, set forth contentions warranting plenary review in this Court. In the event the district court's judgment is reversed in those proceedings, summary disposition here would be appropriate.

CONCLUSION

For the foregoing reasons, action on this Jurisdictional Statement should be postponed pending final action on the Jurisdictional Statement in *United States v. City of Chicago,* filed contemporaneously herewith.

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

RICHARD W. MCLAREN,
Assistant Attorney General.

GREGORY B. HOVENDON,
ROBERT B. NICHOLSON,
Attorneys.

ROBERT W. GINNANE,
General Counsel,

JEROME NELSON,
Interstate Commerce Commission.

JULY 1970.

APPENDIX A

United States District Court for the Northern District of Illinois, Eastern Division

No. 68 C 956

CITY OF CHICAGO, ET AL., PLAINTIFFS,

v.

UNITED STATES OF AMERICA, ET AL., DEFENDANTS.

No. 68 C 1666

TENNESSEE PUBLIC SERVICE COMMISSION, ET AL., PLAINTIFFS,

v.

UNITED STATES OF AMERICA, ET AL., DEFENDANTS.

ORDER

Following the filing of a copy of the mandate of the Supreme Court of the United States herein with the Clerk of the District Court, this three-judge court on February 5, 1970, entered an order wherein it (1) remanded both causes numbered 68 C 956 and 68 C 1666 to the Interstate Commerce Commission ("I.C.C.") for further proceedings and (2) held under advisement the motion made by plaintiffs and intervening plaintiffs to reinstate the temporary restraining order in case 68 C 1666 until the conclusion of the proceedings before the I.C.C.

Thereafter the various parties filed various motions and the three-judge court now has before it (1) mo-

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tion of defendant Chicago & Eastern Illinois Railroad Company ("C&EI") for rehearing or amendment of said order of February 5, 1970; (2) motion of defendant Louisville and Nashville Railroad Company ("L&N") for rehearing and amendment of said order; (3) motion of defendants United States of America and I.C.C. for a new trial in both cases with memorandum in support thereof; (4) motion of plaintiffs and intervening plaintiffs for reconsideration and amendment of said February 5 order with memorandum in support thereof; (5) response of plaintiffs and intervening plaintiffs to the aforesaid motions of defendants; (6) response of defendant C&EI to plaintiffs' and intervening plaintiffs' motion, and (7) response of defendant L&N to plaintiffs' and intervening plaintiffs' motion.

The Court has considered all the foregoing motions, the responses and memoranda of the parties hereto and the opinion of the Supreme Court herein and is of the opinion that it should reconsider its order of February 5, 1970 and should modify and amend said order as hereinafter set forth in view of the additional facts and law presented to the Court.

It is, therefore, ORDERED, that the order of this Court entered herein on February 5, 1970 be and the same is hereby vacated.

The Court also has before it a motion by plaintiffs to consolidate cause No. 68 C 1666 with cause No. 68 C 956 on the ground that the two actions involve a common question of law and fact. Said motion was filed September 6, 1968, briefed and argued before the three-judge court on November 4, 1968. The Court reserved its ruling on same. The Supreme Court of the United States consolidated these cases for hearing and it is the opinion of this Court that the plaintiffs' motion to consolidate should now be granted.

It is, therefore, ORDERED that cause No. 68 C 956 and cause No. 68 C 1666 be and they are hereby consolidated.

The Court is of the opinion that it is equitable and in the best interest of the general public to maintain the status quo which existed on September 6, 1968 until further determination of these causes, as was originally done by entry of a restraining order in case No. 68 C 1666 by Judge Edwin A. Robson on that date, immediately after the filing of this suit, and which restraining order against discontinuance of the "Hummingbird" trains by the L&N was continued in full force and effect on September 12, 1968 by Judge Joseph Sam Perry. The temporary restraining order was heretofore dissolved by the Court in its order of January 8, 1969 granting the motion of L&N to dismiss.

Plaintiffs and intervening plaintiffs allege in their memorandum, filed February 16, 1970, that the L&N promised "restoration of the train service to the Circuit Justice" and that allegation has not been denied.

The Court finds that the L&N, in its Memorandum in opposition to application to stay, represented to the Circuit Justice on January 10, 1969 the following:

> ". . . petitioners will have full right to pursue their statutory appeal to this Court, and if this Court should determine, upon full consideration, that the question of the operation of the trains should be examined by the Court below the respondent railroad company will be fully answerable. In other words, the respondent railroad company will promptly resume the operation of the trains if required to do so by lawful order."' (L&N Memorandum in Opposition to the Application to Stay, p. 8)

The L&N also submitted to this three-judge court at the September 12, 1968 hearing an affidavit stating:

> "Trains Nos. 6 and 7 can be put back in operation within a matter of less than twenty-four hours upon the dissolution of the court's order, since none of the equipment that is used in operating these trains will now be disposed of, and it will be kept in operating condition." (Affidavit of Jack Small, 9/10/68, pp. 1–2)

Defendants United States of America and I.C.C. have not interposed any objection to the motion of plaintiffs and intervening plaintiffs for reinstatement of the aforesaid restraining order against the L&N. The Court finds that in a recent (December 3, 1969) decision of the I.C.C., 336 I.C.C. at 85, the Commission states:

> "In *Missouri Pac. R. Co.—Control—Chicago & E.I.R. Co.*, 327 I.C.C. 279 (1965), sustained *sub nom. Illinois Central Railroad Company* v. *United States*, 263 F. Supp. 421, affirmed per curiam 385 U.S. 457 (1967), C&EI's Chicago-Evansville line was awarded to L&N rather than Illinois Central *one of the important considerations in the Commission's determination being the anticipated maintenance and improvement of through passenger service between Chicago and the South via the C&EI and L&N route . . .*" (Emphasis supplied)

The Illinois Central Railroad continues to run trains to and from the South and so should the L&N continue to operate the "Hummingbird" trains pending final determination herein.

The Court finds that the I.C.C. is without jurisdiction to order interim relief beyond a four month period in connection with the 'Hummingbird'' trains pending the Commission's further proceedings herein. The Court itself does have jurisdiction to reinstate operation of the "Hummingbird'' trains pending the Commission's further proceedings herein.

It is, therefore, ORDERED that the restraining order entered herein on September 6, 1968, and continued September 12, 1968, be and the same is hereby reinstated to become effective within ten (10) days of the date of this order.

The three-judge court also is of the opinion that the I.C.C. should also reopen its investigations in the matter of the "Georgian" trains (Chicago-Evansville) involved in case No. 68 C 956, with due and proper notice to all parties in interest, and that the matters involved in cases 68 C 956 and 68 C 1666 should be consolidated by the I.C.C. in further proceedings.

The Court finds that in the proceedings before the I.C.C. relating to the discontinuance of the C&EI's "Georgian" trains the public did not receive adequate notice from the railroads or of the I.C.C. proceedings; and, further, although the residents of the States of Kentucky, Tennessee and Georgia were vitally interested in continued through passenger service by the railroads and the respective governors of those States were entitled to notice of the proceedings before the I.C.C., no notice was given them beforehand.

The Court is of the view that through passenger service from Chicago to and throughout the Southeastern part of the United States might or could be vital to the general public interest and that such service is so interwoven and entwined between the various railroads that only in a consolidated proceeding can a just and fair decision be reached.

It is, therefore, ORDERED that the orders of the I.C.C. in its Finance Docket Nos. 24725 and 25047, in so far as such orders discontinue the respective investigations, be and they hereby are vacated and that both causes numbered 68 C 956 and 68 C 1666 be and they hereby are remanded to the I.C.C. and consoli-

dated for further proceedings in accordance with the statutes so made and provided.

The Court enters the above orders in conformity with the opinion of the Supreme Court of the United States and for the purpose of carrying out the Supreme Court's mandate.

(S) WIN G. KNOCH,
Circuit Judge.

(S) J. SAM PERRY,
District Judge.

(S) EDWIN A. ROBSON,
District Judge.

Dated: CHICAGO, ILLINOIS, *March 19, 1970.*

APPENDIX B

In the United States District Court for the Northern District of Illinois Eastern Division

Civil Action No. 68 C 1666

TENNESSEE PUBLIC SERVICE COMMISSION, ET AL., PLAINTIFFS,

v.

UNITED STATES OF AMERICA AND INTERSTATE COMMERCE COMMISSION, DEFENDANTS.

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES BY THE UNITED STATES OF AMERICA

I.

Notice is hereby given that the United States of America, a defendant herein, appeals to the Supreme Court of the United States from the judgment entered March 19, 1970, setting aside orders of the Interstate Commerce Commission entered in Finance Docket No. 25047.

II.

In accordance with the provisions of Rule 12 of the Rules of the Supreme Court of the United States, the Clerk of this Court is hereby requested to certify the entire record in this cause and provide for its

transmission to the Clerk of the Supreme Court of the United States.

RICHARD W. MCLAREN,
Assistant Attorney General.
THOMAS A. FORAN,
United States Attorney,
Chicago, Illinois 60604.
JOHN H. D. WIGGER,
Attorney,
Department of Justice,
Washington, D.C. 20530.
Attorneys for the United States of America.

PROOF OF SERVICE

I, John H. D. Wigger, one of the attorneys for defendant United States of America, appellant herein, and a member of the Bar of the Supreme Court of the United States, hereby certify that on the 15th day of May, 1970, I served copies of the foregoing Notice of Appeal on the several parties to this action as follows:

1. On the plaintiffs herein, by mailing copies in duly addressed envelopes, to attorneys of record as follows:

With air mail postage prepaid to Wendell W. Wright, Esq., and Marion E. Wright, Esq., 106 North Vermilion Street, Danville, Illinois 61832; William E. Nelson, Esq., Dyer Building, Hoopeston, Illinois 60942; Robert P. Doolittle, Jr., Esq., 801 Busseron Street, Vincennes, Indiana 47591; Eugene W. Ward, Esq., Cordell Hull Building, Nashville, Tennessee 37219; Richard L. Curry, Esq. and Bernard Rane, Esq., 511 City Hall, Chicago, Illinois 60602; Neill S. Brown, Esq. and Robert E. Kendrick, Esq., 204 Metropolitan Courthouse Building, Nashville, Tennessee; George B. Tofaute, Esq., 17 Harding

Avenue, Terre Haute, Indiana 47801; and Keith E. Roberts, Esq., 120 South LaSalle Street, Chicago, Illinois 60603.

2. On the intervening plaintiffs by mailing copies in duly addressed envelopes to their attorneys of record as follows:

With air mail postage prepaid to William F. Black, State Office Building, Montgomery, Alabama 36102; Anthony Haswell, Esq., 2517 N. Burling, Chicago, Illinois 60614; Weldon A. Cousins, Esq., 737 National Bank of Commerce, New Orleans, Louisiana 70112; Chester L. Rigsby, Esq., Kentucky Railroad Commission; State Office Building, Frankfort, Kentucky 40601; Robert S. Matthews, Esq., 1018 Southern Securities Building, Evansville, Indiana 47708; and Bennett E. Smith, Esq., Assistant Attorney General, State of Mississippi, State Office Building, Jackson, Mississippi 39201; Leon M. Despres, Esq., 77 W. Washington, Chicago, Illinois 60602; Henry C. Neel, Esq., Foran Credit Building, Henderson, Kentucky 42420; Sheldon A. Taft, Esq., 111 N. High Street, Columbus, Ohio 43215; J. Robert Coleman, Esq., 132 State Judicial Building, Atlanta, Georgia 30334; and Carl E. VanDorn, Esq., 807 State Office Building, Indianapolis, Indiana 46204.

With first-class mail postage prepaid to Gordon P. MacDougall, Esq., 705 Ring Building, Washington, D.C. 20036 and William B. Mahoney, Esq., 620 Tower Building, Washington, D.C. 20005.

3. On the intervening defendant by mailing copies

in duly addressed envelopes to his attorneys of record as follows:

With air mail postage prepaid to Albert E. Jenner, Jr., Esq. and Keith F. Bode, Esq., 135 South LaSalle Street, Chicago, Illinois 60603; and Harry R. Begley, Esq., 72 West Adams Street, Chicago, Illinois 60603.

4. On defendant Interstate Commerce Commission by mailing copies with first-class postage prepaid to Robert W. Ginnane, General Counsel, and Jerome Nelson, Attorney, Interstate Commerce Commission, Washington, D.C. 20423.

JOHN H. D. WIGGER,
Attorney,
Department of Justice,
Washington, D.C. 20530.

(Filed, May 18, 1970.)

In The United States District Court For The Northern District of Illinois Eastern Division

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Civil Action, No. 68 C 1666

TENNESSEE PUBLIC SERVICE COMMISSION, ET AL., PLAINTIFFS

v.

UNITED STATES OF AMERICA AND INTERSTATE COMMERCE COMMISSION, DEFENDANTS

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES BY THE INTERSTATE COMMERCE COMMISSION

I.

Notice is hereby given that the Interstate Commerce

Commission, a defendant herein, appeals to the Supreme Court of the United States from the judgment entered March 19, 1970, setting aside orders of the Interstate Commerce Commission entered in Finance Docket No. 25047.

II.

In accordance with the provisions of Rule 12 of the Rules of the Supreme Court of the United States, the Clerk of this Court is hereby requested to certify the entire record in this cause and provide for its transmission to the Clerk of the Supreme Court of the United States.

ROBERT W. GINNANE,
General Counsel,
JEROME NELSON,
Attorney,
Interstate Commerce Commission,
Washington, D.C. 20423.

PROOF OF SERVICE

I, Jerome Nelson, one of the attorneys for defendant Interstate Commerce Commission, appellant herein, and a member of the Bar of the Supreme Court of the United States hereby certify that on the 12th day of May, 1970, I served copies of the foregoing Notice of Appeal on the several parties to this action as follows:

1. On the plaintiffs herein, by mailing copies in duly addressed envelopes, to attorneys of record as follows:

With air mail postage prepaid to Wendell W. Wright, Esq. and Marion E. Wright, Esq., 106 North Vermilion Street, Danville, Illinois 61832; William E. Nelson, Esq., Dyer Building, Hoopeston, Illinois 60942; Robert P. Doo-

little, Jr., Esq., 801 Busseron Street, Vincennes, Indiana 47591; Eugene W. Ward, Esq., Cordell Hull Building, Nashville, Tennessee 37219; Richard L. Curry, Esq. and Bernard Rane, Esq., 511 City Hall, Chicago, Illinois 60602; Neill S. Brown, Esq. and Robert E. Kendrick, Esq., 204 Metropolitan Courthouse Building, Nashville, Tennessee; George B. Tofaute, Esq., 17 Harding Avenue, Terre Haute, Indiana 47801; and Keith E. Roberts, Esq., 120 South LaSalle Street, Chicago, Illinois 60603.

2. On the intervening plaintiffs by mailing copies in duly addressed envelopes to their attorneys of record as follows:

With air mail postage prepaid to William F. Black, State Office Building, Montgomery, Alabama 36102; Anthony Haswell, Esq., 2517 N. Burling, Chicago, Illinois 60614; Weldon A. Cousins, Esq., 737 National Bank of Commerce, New Orleans, Louisiana 70112; Chester L. Rigsby, Esq., Kentucky Railroad Commission, State Office Building, Frankfort, Kentucky 40601; Robert S. Matthews, Esq., 1018 Southern Securities Building, Evansville, Indiana 47708; and Bennett E. Smith, Esq., Assistant Attorney General, State of Mississippi, State Office Building, Jackson, Mississippi 39201; Leon M. Despres, Esq., 77 W. Washington, Chicago, Illinois 60602; Henry C. Neel, Esq., Foran Credit Building, Henderson, Kentucky 42420; Sheldon A. Taft, Esq., 111 N. High Street, Columbus, Ohio 43215; J. Robert Coleman, Esq., 132 State Judicial Building, Atlanta, Georgia 30334; and Carl E. VanDorn,

Esq., 807 State Office Building, Indianapolis, Indiana 46204.

With first class mail postage prepaid to Gordon P. MacDougall, Esq., 705 Ring Building, Washington, D.C. 20036 and William B. Mahoney, Esq., 620 Tower Building, Washington, D.C. 20005.

3. On the intervening defendant by mailing copies in duly addressed envelopes to his attorneys of record as follows:

With air mail postage prepaid to Albert E. Jenner, Jr., Esq. and Keith F. Bode, Esq., 135 South LaSalle Street, Chicago, Illinois 60603; and Harry R. Begley, Esq., 72 West Adams Street, Chicago, Illinois 60603.

4. On defendant United States of America by mailing copies with first-class postage prepaid to the Honorable Erwin N. Griswold, Solicitor General of the United States, Department of Justice, Washington, D.C. 20530; to the Honorable Thomas A. Foran, United States Attorney, Chicago, Illinois 60604; to the Honorable Richard W. McLaren, Assistant Attorney General of the United States and the Honorable John H. D. Wigger, Attorney, Department of Justice, Washington, D.C. 20530.

JEROME NELSON,
Attorney,
Interstate Commerce Commission.

[Filed May 14, 1970.]

APPENDIX C

FINANCE DOCKET NO. 25047

LOUISVILLE AND NASHVILLE RAILROAD COMPANY DISCONTINUANCE OF TRAINS NOS. 6 AND 7 BETWEEN NEW ORLEANS, LA., AND CINCINNATI, OHIO

Decided September 3, 1968

Upon investigation, found that the continuance of operation by the Louisville and Nashville Railroad Company of its passenger trains Nos. 6 and 7 between New Orleans, La., and Cincinnati, Ohio, is not required by public convenience and necessity and that the continued operation thereof will unduly burden interstate commerce. Investigation discontinued.

Clifford T. Coomes, Charles B. Arendall, Jr., Thomas S. Lawson, Jr., James E. Simpson, David M. Keeble, and *Robert T. McConaughy* for the Louisville and Nashville Railroad Company.

Weldon A. Cousins, Langdon D. Bell, Nat K. Knight, Bennett E. Smith, Robert A. Jones, Eugene W. Ward, James Kenneth Atkins, and *Chester L. Rigsby* for regulatory agencies of the States of Louisiana, Mississippi, Alabama, Tennessee, Kentucky, and Ohio, protestants.

Louis A. Schwartz, Lawrence F. Daspit, Horace Perry, William A. Thompson, Robert E. Kendrick, Rom McGrath, Raymond F. Simon, and *Bernard Rane* for protestants.

S. F. Walker, F. T. Edwards, Olin B. Brooks, Leslie Stifflemire, P. A. Young, Clifford H. Rex, Joe Hester, Henry E. Risner, John B. Mullins, Jr., J. W. Faust, J. G. Griffin, Alex E. Little, Harry T. Smith, W. R. Selby, A. L. Shepherd, and *Robert C. Tyler* for railway labor organizations, protestants.

REPORT OF THE COMMISSION

DIVISION 3, COMMISSIONERS TUGGLE, BUSH, AND DEASON

TUGGLE, *Commissioner:*

Pursuant to the provisions of section 13a(1) of the Interstate Commerce Act, the Louisville and Nashville Railroad Company (L&N), a common carrier by railroad subject to the provisions of part I of the act, filed a notice and statement on April 3, 1968, in which it proposed to discontinue, effective May 7, 1968, the operation of its passenger trains Nos. 6 and 7 operating between New Orleans, La., and Cincinnati, Ohio, a distance of 927 miles. Copies of the notice were served and posted in the manner prescribed by section 13a(1) of the act and related rules and regulations.

Upon receipt of numerous petitions and letters of protest, an investigation of the proposed discontinuance of service was instituted by our order dated April 24, 1968, which required continued operation of the trains for a period not exceeding 4 months beyond the date when the discontinuance would have become effective. Because of the statutory limitation upon the time available for investigation and decision, the order provided for the omission of a report and recommended order by the hearing examiner and for certification of the record to us for initial decision. Hearings were held at New Orleans, La., Mobile, Montgomery, and Birmingham, Ala., Nashville, Tenn.,

Louisville, Ky., and Cincinnati, Ohio. Briefs have been filed.

The trains.—Train No. 6 operates northbound daily from New Orleans to Cincinnati departing New Orleans 8:15 a.m. and arriving Cincinnati 8:10 a.m. the next morning. Train No. 7 operates southbound daily from Cincinnati departing Cincinnati 7:40 p.m. and arriving New Orleans 8:10 p.m. the next evening. The schedule of the trains, the points served, and their populations are set forth in appendix A.

Train consists and crews.—The regular consist of northbound train No. 6 is one double-unit diesel locomotive, one coach, one sleeping car, and one baggage-express car, New Orleans to Cincinnati, daily; one dining car, New Orleans to Nashville, daily; one dormitory car, Montgomery to Nashville, daily; one coach, Montgomery to Louisville, 3 days a week; from one to four express cars, Nashville to Cincinnati, 4 days a week; one storage-mail car, Louisville to Cincinnati, 4 days a week; and one mail-express car, Louisville to Cincinnati, 3 days a week.

The regular consist of southbound train No. 7 is one double-unit diesel locomotive, one coach, and one sleeping car, Cincinnati to New Orleans, daily; one or more express cars, Cincinnati to Louisville, at irregular intervals; one storage-mail car, Cincinnati to Nashville, daily; one baggage-mail car, Cincinnati to Montgomery, daily; one mail-express car, Louisville to Nashville, 6 days a week; one express car Louisville to Nashville, 3 days a week; one coach, Louisville to Montgomery, 3 days a week; one dining car, Nashville to New Orleans, daily; one dormitory car, Nashville to Montgomery, daily; one storage-mail car, Nashville to New Orleans, 5 days a week; one storage-mail car, one baggage-mail car, and one coach, Montgomery to New Orleans, daily.

The equipment is described as modern and well maintained and the passenger cars are the newest owned by the carrier. The locomotive equipment would be retired and the car equipment transferred to other trains as replacements of older equipment.

Train No. 6 employs 6 engineers, 6 firemen, 5 conductors, 5 flagmen, 2 baggagemen, 2 coach attendants, 3 dining car employees and a pullman porter for a total of 30 crew members. Train No. 7 employs the same number of employees in each of the same categories except 1 less conductor for a total of 29 crew members.

Other persons required for the operation of the trains include station and terminal employees who sell tickets, operators and dispatchers charged with actual operation of the trains, yard-crews who form the trains and work on train equipment, car department employees who inspect, maintain, and clean the car equipment, and mechanical employees who maintain the required motor power.

One position in each pullman car would be eliminated; the personnel involved are not employees of the carrier.

Following the proposed discontinuance, the on-train crews would be employed in other services; they all maintain freight seniority and could be used in freight related positions. Those with insufficient seniority might be assigned to extra boards.

Use of passenger service.—In the respective periods of 1966, 1967, and 1968 (the last, annualized on the basis of data for February 1 to April 30, 1968), the passenger miles of the trains were 52,848,271, 48,668,491, and 22,035,336. In the respective periods of November and December 1967, January, February, March, and April 1968, the average number of passengers per train-mile on train No. 6 was 47, 82.6,

54.4, 30.4, 36.4, and 35.7. During the same periods the average number of passengers per train-mile on train No. 7 was 43.3, 85.4, 50.7, 30.9, 31, and 34.3.

Appendix B reflects the daily average "on" and "off" counts at all stations between New Orleans and Cincinnati for a 6-month period November 1, 1967 to April 30, 1968. The symbols (OC) and (L&N byd) refer to passengers transferring from other railroads and passengers transferring to other L&N trains. On train No. 6, the only intermediate points having an average of 8 or more passengers per day "on" or "off" were Pascagoula (10), Mobile (15), Montgomery (24), Birmingham (25), Decatur (8), Nashville (32), and Louisville (12). On train No. 7 the only intermediate points having a daily average of 7 or more were Louisville (20), Bowling Green (15), Nashville (30), Decatur (7), Birmingham (22), Montgomery (20), and Mobile (17).

Alternate transportation.—In addition to the trains proposed for discontinuance, L&N operates daily trains Nos. 8 and 9 (the Pan American) between New Orleans and Cincinnati, serving the same intermediate points, except Rigolets, La., a conditional stop on train No. 7. Train No. 8 departs New Orleans at 8:45 p.m., as compared with train No. 6's morning departure, and arrives Cincinnati at 9:30 p.m., the following evening. Train No. 9 departs Cincinnati 9:15 a.m., as compared with train No. 7's evening departure, and arrives New Orleans 7:55 a.m., the following morning. L&N also operates trains Nos. 15 and 16 (the South Wind) every other day, between Louisville and Montgomery, serving the same intermediate points as its other four trains. In connection with the Penn Central Railroad and the Seaboard Coast Line Railroad, the South Wind provides through service between Chicago, Ill., and certain Florida points, in-

cluding Miami and St. Petersburg. Through service would remain between New Orleans and Atlanta, Ga., by change of schedule by the Atlanta and West Point Railroad (A&WP) between Atlanta and Montgomery, the latter an interchange point with the L&N, whereby A&WP would connect with L&N train No. 9 rather than with L&N No. 7 as at present.

All L&N stations here involved, except Rigolets, have direct daily bus service between New Orleans and Cincinnati. There are as many as 21 bus schedules between the various points, depending upon the populations.

Daily scheduled airline service is available between Cincinnati, Louisville, Bowling Green, Nashville, Birmingham, Montgomery, Mobile, Pascagoula, Gulfport, Biloxi, and New Orleans.

Official highway maps of the States involved herein indicate numerous combinations of Federal highways including several segments of the interstate system between New Orleans and Cincinnati and the principal intermediate points served by the trains.

Financial data.—The carrier's balance sheet as of March 31, 1968, shows assets of $1,003 million, including current assets of $97.4 million, special funds $4.3 million, investments $34.8 million, total properties less reserves for depreciation and amortization $857.3 million, and other assets and deferred charges $9.1 million. Liabilities were: Current $53.6 million; long-term debt, due within 1 year, $27.7 million; long-term debt, due after 1 year, $407.8 million; reserves $5.8 million; other liabilities and deferred credits $16.6 million; capital stock $123.9 million; capital surplus $22.1 million; and retained income unappropriated $345.4 million. L&N's income statements for the years 1966, 1967, and the first 3 months of 1968, show, respectively, railway operating revenues of $292.2 million, $285.3 mil-

lion, and $73.5 million; net railway operating income $38.2 million, $31.4 million, and $6.6 million; net income after fixed charges and other deductions $28.5 million, $19.9 million, and $4.9 million.

The carrier's exhibits and testimony, as revised, depicting revenues, expenses, and out-of-pocket losses pertaining to the operation of the trains indicate net losses in 1966, 1967, and the first 4 months of 1968, of $9,318, $505,361, and $309,461, respectively. The estimated net loss for 1968, based on the month of April 1968, is $909,667. Net annual savings to the carrier, systemwise, upon discontinuance of the trains, are estimated to be $1,610,473. Appendix C reflects the actual revenues and expenses for the year 1967 and the first 4 months of 1968 in the first and second columns. The third column reflects the revenues and expenses for the year 1968 based upon the operating results for the month of April 1968. Column four reflects an estimate of the revenues that would be retained on other L&N trains and the added expenses of handling the traffic on other trains. Column five is an estimate of revenues that would be lost and the expenses to be saved by handling the traffic on other trains should the discontinuance of trains Nos. 6 and 7 be approved.

The revenues and costs, as set forth in appendix C, were computed by the carrier in accordance with generally accepted methods previously approved by the Commission as appropriate in train discontinuance cases and are not under dispute.

The operating expenses for 1966, 1967, the first 4 months of 1968, and the projection for the year 1968 were shown on an out-of-pocket basis. Wages of trainerews and enginecrews are the actual wages paid the crews, increased for the appropriate payroll taxes, meals, lodging, vacation, holiday, and health and welfare allowances. Locomotive fuel, water, lubricants and

other supplies, locomotive depreciation, and personal injury and livestock damage, are on system averages with appropriate allocations to these trains according to the actual units involved. Dining expenses is the actual cost incurred and pullman deficits are the amounts billed by the Pullman Company.

Locomotive repairs and enginehouse expenses are based on system average unit costs applied to the number of units involved in these trains, decreased by 21 percent for overhead costs which include such items as labor costs and maintenance of facilities which would remain constant even though trains Nos. 6 and 7 were discontinued.

Car repairs and train supplies and expenses are similarly determined and subjected to a 21-percent decrease for overhead costs and elimination of the costs for deadhead cars on trains Nos. 6 and 7. Car depreciation and cost for rental of passenger cars were adjusted to eliminate deadhead equipment.

The joint terminal expenses shown to be avoidable as a result of the discontinuance were computed in the manner approved by the Commission in *Chicago, R.I. & P.R. Co. Discontinuance of Trains,* 328 I.C.C. 278, 286. They include only the amount by which the carrier's share of the total expenses would be diminished by virtue of its lesser use of the terminals. The costs shown as savable do not include amounts attributable to deadhead equipment carried on trains Nos. 6 and 7 in and out of the terminals.

Evidence in opposition.—Thirty-nine public witnesses appeard at hearings in opposition to the discontinuance of the trains of whom 6 appeared at New Orleans, 9 at Montgomery, 16 at Birmingham, 6 at Nashville, and 2 at Louisville. No public witnesses appeared at Mobile or Cincinnati.

Among those expressing opposition were represent-

atives of United States Congressmen, a representative of the Governor of Alabama, a State legislator, members and representatives of the Public Service Commissions of Louisiana, Mississippi, Alabama, and Tennessee, a member of the Kentucky Railroad Commission, mayors, city and county officials, a representative of a college, a mortician, carrier employees, a pullman porter, and members of the public. Of the total witnesses, 14 were past and prospective patrons of the trains.

Public officials opposed the discontinuance of the trains on the stated ground that the economy and the industrial growth in the area is dependent upon continued service by all means of transportation, and particularly rail passenger service. They were also concerned with the general disappearance of passenger trains through discontinuances and the likelihood that all rail passenger service may become extinct. They, regular passengers, and others contend that alternate transportation services are not adequate.

Generally the passenger witnesses testified that at times there were equipment failures, that on time performances were poor, that overcrowding, particularly on weekends and holidays, had occurred, and that the employees were not as courteous as those of other common carriers. Criticism was also directed to a lack of advertising by the carrier. On the other hand, several of the patrons praised the carrier as being first class as compared with other railroads. All of such witnesses were desirous of having the trains for their future use and most preferred rail transportation to bus travel and some indicated their fear of air travel.

Discussion and Conclusions

Among factors to be considered in proceedings under section 13a (1) of the act to ascertain whether

operation of the passenger trains is required for the public convenience and necessity and will not unduly burden interstate commerce are the population served, the effect on the communities on their route, the extent of the use made by the public of the service sought to be discontinued, alternate transportation service available in the area, the costs incurred and financial losses sustained by the carrier in providing the service under consideration, and the carrier's financial condition. No one of such factors by itself is conclusive or controlling. The burden imposed upon the carrier and upon interstate commerce must be weighed against the need for the service. It is possible that the need for the service under certain circumstances may be so great as to warrant its continuation even at a loss to the carrier. This could arise where the loss of the service would inflict serious injury on the communities, while continuance of the service would impose a relatively slight financial burden on the carrier. The facts in this proceeding do not disclose such an overriding need for the continuance of the involved trains.

L&N began incurring substantial losses on these trains in 1967 ($505,361) even with mail revenues of over $1 million, express revenues over $300,000, and additional revenues from passengers interlined at Evansville, Ind., with Chicago & Eastern Illinois Railroad Co. (C&EI) trains Nos. 93 and 54 and connecting with L&N's trains Nos. 6 and 7 at Nashville, via intermediate L&N trains Nos. 5 and 10. The C&EI trains were discontinued February 1, 1968, *Chicago & E.I.R. Co. Discontinuance—Chicago & Evansville*, 331 I.C.C. 447.

If the carrier were required to operate the subject trains for another year, it would suffer out-of-pocket losses in excess of $900,000 (computed on the basis of

1968 costs and revenues). Nothing in the record indicates that the deficit could be abated in future years. In addition to the loss of connecting passengers, railway post office cars have been eliminated, reducing mail revenues, and on April 1, 1968, railway express (from one to four cars daily) was diverted to truck over the highway.

The full burden of the trains can be better visualized by considering the total economies attainable upon their discontinuance. As shown in appendix C, by retaining a portion of their traffic through diversion to other L&N trains (estimated to produce revenues of $939,500) and incurring thereon costs estimated at $238,700, the carrier could avoid more than $2.3 million of its present costs and thus effect economies in the range of $1.6 million per year. This brings us face to face with the question of whether the public's need for these trains is so great that the nation's private enterprise carrier system must be required to provide for it at an annual out-of-pocket deficit exceeding $900,000 while foregoing the opportunity to effect economies of more than $1.6 million per year.

Before discussing this issue, we turn to a preliminary matter, raised in the briefs filed by the city of Chicago, Ill., and the metropolitan government of Nashville and Davidson County, Tenn., dealing with the decision in *Chicago & E.I.R. Co. Discontinuance—Chicago & Evansville, supra.* These litigants and others have instituted an action in the United States District Court for the Northern District of Illinois, entitled City of Chicago, et al. v United States, et al., to set aside the said decision of the Commission. The parties here ask that we request L&N to continue the operation of trains Nos. 6 and 7 voluntarily, pending full judicial review of the *C&EI* decision, and, in the

event of a refusal by L&N, that we seek a temporary restraining order prohibiting the discontinuance of the trains pending full judicial review.

It is clear that pursuant to the provisions of section 13a(1) of the act, once having entered upon an investigation, we must make the statutory findings needed either to sustain a discontinuance of the investigation, or to support an order requiring continuance of the service within the time limit prescribed by section 13a(1). The evidence before us clearly establishes that the operation of these trains is not required by public convenience and necessity, that the continued operation thereof will unduly burden interstate commerce, and that the investigation should be discontinued; and we so find. Under these circumstances we have no lawful basis for ordering a continuance to await (perhaps longer than a year) developments which, in the end, might or might not change the picture.

The people who have been using the trains for travel have done so largely on an occasional or standby basis. Their primary means of conveyance are the automobile and other nonrail modes. The testimony of the governmental leaders, business representatives, and others is clear proof of that. Many gave opinions about a need for rail passenger service in the interest of community and commercial growth, but few hard, realistic facts were advanced by them in support. On the other hand, the carrier's director of industrial development testified that of 1,726 new industries located on L&N lines in the past 8 years, 843 were at points that had no rail passenger service.

He specified the factors that industry in general considers in selecting a new site—mainly, availability of such things as labor, lower wage rates, lower taxes, utilities, freight transportation (rail, truck, air, and

water), economical freight rates, access to raw materials, and cultural facilities—but availability of rail passenger service was not among them. He knew of not a single instance where rail passenger service was even mentioned. This testimony stands uncontroverted by the factual evidence of record.

Even for the individual traveler who calls upon the L&N for his occasional trip, the demand for the service of these trains is minimal. As shown in appendix B, an average of but 2.4 persons per day use train No. 6 for through service from New Orleans to Cincinnati, and only 2 per day use train No. 7 for the through run in the opposite direction. The same is true for the usage to and from the intermediate points: for example, from Mobile, a city of a quarter million, to Birmingham (population 325,000) there are only 4 passengers per day, and to Nashville (population 250,000), only 4 per day.

Local traffic between points on the 490-mile segment between Louisville and Montgomery constitutes a third of the total number of passengers—about 50 of the approximately 150 daily average who board and deboard at the various points along the 927-mile route. This area, which includes Nashville, will continue to have daily service by trains Nos. 8 and 9, the Pan American, and every-other-day service by trains Nos. 15 and 16, the South Wind. The Pan American will also be available for through passengers and for service at all points on the Hummingbird schedule. Also available are the six daily through schedules each way by bus serving practically all the points on the line, numerous bus runs on segments of the line and airline services, heretofore described. From this record we conclude that these alternate services are reasonably adequate to meet the public need for common carrier transportation services. In

the face of this conclusion, notwithstanding that some inconvenience to travelers may be encountered at times, we cannot overlook nor disregard the enormous and ever increasing losses to the carrier. This is plainly a case where there are too many trains for the diminishing needs of the public on this line. With former sources of traffic and revenue unalterably foreclosed while costs continue their upward spiral, the carrier cannot be expected to continue running a train upward of 1,000 miles each day for service along the way to about 150 persons—many of whom travel only short distances[1]—while subsidizing their travel at the rate of $14.50 out-of-pocket per passenger.

Shippers of express will have adequate service remaining by over-the-highway truck transportation, and by L&N trains Nos. 8 and 9. Buses operating over the highway also render express service. The Post Office Department will continue the mails, including parcel post, to all points by use of airplanes, trucks, and the L&N trains Nos. 8 and 9.

Considering, among other things, the sparing use now made of these long-line trains—not only by travelers, but also by the Post Office Department and shippers of express—the abundance of alternate transportation by rail and other modes, and the magnitude of the financial burden which the carrier would have to bear if the trains were continued, this is precisely the kind of circumstance for which Congress designed the relief of section 13a(1). Efforts have been made to have the law amended, including recommendations to Congress by this Commission, to provide a statutory plan for solutions to the passenger train problem under modified criteria. However meritorious

[1] For example, of the 1,763 boarding at Pascagoula during the 6 months covered by appendix B, 1,497 deboarded at Mobile, 40 miles away.

Congress may find those efforts to be, they cannot be embraced as elements for decision of the matter now before us. As an administrative agency we are bound by the law as it stands and must be governed by the intendment of Congress in its enactment.

Employee representatives have requested that appropriate conditions be imposed for protection of employees who may be affected by the discontinuance. It is well established that we have no authority to impose employee protective conditions in a section 13a discontinuance case. The adverse effect of a discontinuance upon employees is a factor to be considered in evaluating public convenience and necessity. Having weighed such factor, we conclude that any possible adverse effect upon the carrier's employees, when considered with all other facts discussed herein, does not justify the findings we would have to make before we could lawfully order continued operation of the involved trains.

Contentions of the parties as to fact or law not specifically discussed herein have been considered and found to be without material significance or not justified.

We find that the operation by the Louisville and Nashville Railroad Company of passenger trains Nos. 6 and 7 between New Orleans, La., and Cincinnati, Ohio, is not required by the public convenience and necessity and that continued operation thereof would unduly burden interstate commerce.

An appropriate order will be entered discontinuing the investigation herein.

COMMISSIONER BUSH concurs in the result.

APPENDIX A

No. 6 Daily (read down)	Miles		No. 7 Daily (read up)	Population 1968
8:15 a.m.	0	Lv. New Orleans, La.	Ar. 8:10 p.m.	665,000
8:20 a.m.		Lv. Carrollton Avenue	Lv. 7:50 p.m.	
	36	Lv. Rigolets	Lv.	1,106
	53	Lv. Waveland, Miss.	Lv.	5,073
9:29 a.m.	57	Lv. Bay St. Louis	Lv. 6:25 p.m.	33,000
9:51 a.m.	72	Lv. Gulfport	Lv. 6:00 p.m.	750
	79	Lv. Edgewater Park	Lv. 5:48 p.m.	47,000
10:07 a.m.	85	Lv. Biloxi	Lv. 5:40 p.m.	20,800
10:31 a.m.	105	Lv. Pascagoula	Lv. 5:10 p.m.	220,000
11:25 a.m.		Ar. Mobile, Ala.	Lv. 4:15 p.m.	
11:40 a.m.	145	Lv. Mobile, Ala.	Ar. 3:50 p.m.	
	169	Bay Minette	Lv. 3:05 p.m.	5,197
12:55 p.m.		Ar. Flomaton	Lv. 2:20 p.m.	1,454
1:00 p.m.	205	Lv. Flomaton	Ar. 2:20 p.m.	
	218	Brewton	Lv. 1:53 p.m.	6,309
	243	Evergreen	Lv. 1:28 p.m.	3,703
2:29 p.m.	279	Greenville	Lv. 12:53 p.m.	6,894
3:40 p.m.		Ar. Montgomery	Lv. 12:05 p.m.	146,000
4:10 p.m.	323	Lv. Montgomery	Ar. 10:30 a.m.	
6:10 p.m.		Ar. Birmingham	Lv. 8:15 a.m.	325,000
6:25 p.m.	421	Lv. Birmingham	Ar. 7:45 a.m.	
	473	Lv. Cullman, Ala.	Lv.	11,900
8:15 p.m.	506	Lv. Decatur	Lv. 5:59 a.m.	33,800
10:50 p.m.		Ar. Nashville, Tenn.	Lv. 3:30 a.m.	250,887
11:35 p.m.	626	Lv. Nashville, Tenn.	Ar. 2:25 a.m.	
1:00 a.m.		Ar. Bowling Green, Ky.	Lv. 12:45 a.m.	32,800
1:20 a.m.	699	Lv. Bowling Green, Ky.	Ar. 12:20 a.m.	
2:30 a.m.	771	Lv. Elizabethtown	Lv. 11:06 p.m.	10,900
4:35 a.m.		Ar. Louisville	Lv. 11:10 p.m.	392,000
5:00 a.m.	813	Lv. Louisville	Ar. 10:45 p.m.	
7:40 a.m.	922	Lv. Latonia (Covington)	Lv. 7:58 p.m.	57,000
8:10 a.m.	927	Ar. Cincinnati, Ohio	Lv. 7:40 p.m.	495,506

APPENDIX B

Louisville and Nashville Railroad Company, passengers handled on L & N Train No. 6 for 6 months period, November 1, 1967, to April 30, 1968

From	On	Daily average	Off	Daily average to	Bay St. Louis	Gulfport	Biloxi	Pascagoula	Mobile	Flomaton	Flomaton (L&N byd)	Greenville	Montgomery	Montgomery (OC)
New Orleans, La	3,404	18.7			345	282	395	171	909	56	12	33	254	
New Orleans (OC)	889	4.9			4	52	89	16	173	25	58	4	95	35
Carrollton Avenue														
Bay St. Louis, Miss	275	1.5	349	1.9		188	5	4	20				19	
Gulfport, Miss	758	4.2	522	2.9			229	122	51	1		7	36	
Biloxi, Miss	1,081	5.9	718	3.9				459	114	2		2	83	
Pascagoula, Miss	1,763	9.7	772	4.2					1,497	10		12	31	
Mobile, Ala	2,778	15.2	2,764	15.1						68	7	63	473	1
Flomaton, Ala	1,033	5.7	162	.9								25	86	
Flomaton (L&N byd)	919	5.0	77	.4								3	41	2
Greenville, Ala	442	2.4	149	.8									57	1
Montgomery, Ala	4,329	23.8	1,175	6.5										
Montgomery (OC)	90	.5	39	.2										
Birmingham, Ala	4,519	24.8	2,236	12.3										
Birmingham (OC)	168	.9	859	4.7										
Cullman, Ala	309	1.7	257	1.4										
Decatur, Ala	1,594	8.8	693	3.8										
Decatur (OC)			15	.1										
Nashville, Tenn	863	4.7	1,562	8.6										
Nashville, Tenn. (L&N byd)	656	3.6	5,912	32.5										
Bowling Green, Ky	286	1.5	106	.6										
Bowling Green (L&N byd)	1,143	6.3												
Elizabethtown, Ky	5	.1	80	.4										
Louisville, Ky	674	3.7	2,168	11.9										
Louisville (OC)			22	.1										
Latonia, Ky			31	.2										
Cincinnati, Ohio			2,811	15.4										
Cincinnati (OC)			4,479	24.6										
Total	27,958	153.6	27,958	153.6	349	522	718	772	2,764	162	77	149	1,175	39

Louisville and Nashville Railroad Company, passengers handled on L & N Train No. 6 for 6 months period, November 1, 1967, to April 30, 1968—Continued

From	On	Daily average	Off	Daily average	Birmingham	Birmingham (OC)	Cullman	Decatur	Decatur (OC)	Nashville	Nashville (L&N byd)	Bowling Green	Elizabethtown	Louisville	Louisville (OC)	Latonia	Cincinnati	Cincinnati (OC)
New Orleans, La	3,404	18.7			143		6	37		236	60	10	4	60			243	139
New Orleans (OC)	889	4.9			57	6	1	24	5	38	12	3	3	131	2		19	37
Carrollton Avenue																1	4	7
Bay St. Louis, Miss	275	1.5	349	1.9	11	2		1		1	12							
Gulfport, Miss	758	4.2	522	2.9	41	31	3	21		19	92	1		11			33	60
Biloxi, Miss	1,081	5.9	718	3.9	52	46		13		20	124			21		3	37	103
Pascagoula, Miss	1,763	9.7	772	4.2	44	25		12		10	75			6	1		17	23
Mobile, Ala	2,778	15.2	2,764	15.1	402	262	30	150	4	17	710	2	2	66	1		123	343
Flomaton, Ala	1,033	5.7	162	0.9	144	77	14	39		59	200	3	8	33	3		97	155
Flomaton (L&N byd)	919	5.0	77	0.4	119	112	7	14	3	104	239	1	1	26			49	198
Greenville, Ala	442	2.4	149	0.8	125	18		16		11	64			12			43	95
Montgomery, Ala	4,329	23.8	1,175	6.5	1,086	280	48	194	3	254	1,303	7	4	143			366	641
Montgomery (OC)	90	0.5	39	0.2	12			1		5	36			5	1		16	14
Birmingham, Ala	4,519	24.8	2,236	12.3			148	166		591	1,682	22	22	256	4	1	587	1,040
Birmingham (OC)	168	0.9	859	4.7						27	26			6			21	88
Cullman, Ala	309	1.7	257	1.4				5		14	219			15		2	23	31
Decatur, Ala	1,594	8.8	693	3.8						102	968	1	11	161		2	134	215
Decatur (OC)			15	0.1								37	7	206	7	4	223	379
Nashville, Tenn	863	4.7	1,562	8.6								19	7	328			148	154
Nashville, Tenn (L&N byd)	656	3.6	5,912	32.5									3	177	2	1	42	41
Bowling Green, Ky	266	1.5	106	0.6									8	494	1	9	293	338
Bowling Green (L&N byd)	1,143	6.3												2				3
Elizabethtown, Ky	5	0.1	80	0.4												8	293	373
Louisville, Ky	674	3.7	2,168	11.9														
Louisville (OC)			22	0.1														
Latonia, Ky			31	0.2														
Cincinnati, Ohio			2,811	15.4														
Cincinnati (OC)			4,479	24.6														
Total	27,958	153.6	27,958	153.6	2,236	859	257	693	15	1,562	5,912	106	80	2,168	22	31	2,811	4,479

Louisville and Nashville Railroad Company, passengers handled on Train No. 7 for 6 months period, November 1, 1967 through April 30, 1968

From	On	D/A*	Off	D/A*	Louisville	Louisville (OC)	Elizabethtown	Bowling Green	Bowling Green (L&N byd)	Nashville	Nashville (L&N byd)	Decatur	Decatur (OC)	Cullman	Birmingham	Birmingham (OC)
Cincinnati, Ohio	2,901	15.9			383		3	120	366	300	129	106		28	498	89
Cincinnati (OC)	3,960	21.8			482	2	3	45	310	285	235	175	2	36	848	81
Latonia, Ky	36	0.2			14	12	1	3	1			2		2	1	
Louisville, Ky	3,531	19.4	879	4.8			16	1,334	516	195	413	136	1	4	333	68
Louisville (OC)	101	0.6	14	0.1				1	2	10	7				4	
Elizabethtown, Ky	73	0.4	23	0.1				26	8	7	12	2			6	4
Bowling Green, Ky	117	0.6	1,529	8.4						19	40	5		1	7	7
Bowling Green (L&N byd)			1,203	6.6												
Nashville, Tenn	464	2.5	816	4.5								26		2	142	14
Nashville (L&N byd)	329	1.8	1,179	6.5								727	1	138	1,661	144
Decatur, Ala	329	1.8	1,179	6.5										3	51	10
Decatur (OC)	13	0.1	4	0.1											2	4
Cullman, Ala	49	0.3	214	1.2											7	
Birmingham, Ala	1,559	8.6	3,560	19.6												
Birmingham (OC)	239	1.3	421	2.3												
Montgomery, Ala	1,364	7.5	3,601	19.8												
Montgomery (OC)	3,557	19.5	50	0.3												
Greenville, Ala	112	0.6	550	3.0												
Evergreen, Ala	12	0.1	117	0.6												
Brewton, Ala	100	0.5	142	0.7												
Flomaton, Ala	118	0.6	1,044	5.7												
Flomaton (L&N byd)	81	0.4	777	4.3												
Bay Minette, Ala	2	0.1	69	0.4												
Mobile, Ala	1,548	8.5	3,117	17.1												
Pascagoula, Miss	359	2.0	375	2.1												

Biloxi, Miss	534	2.9	785	4.3											
Edgewater Park, Miss			7	0.1											
Gulfport, Miss	435	2.4	641	3.5											
Bay St. Louis, Miss	321	1.8	166	0.9											
Waveland, Miss	24	0.1													
Carrollton Avenue															
New Orleans, La			4,445	24.4											
New Orleans (OC)			944	5.2											
Total	27,508	151.1	27,508	151.1	879	14	23	1,529	1,203	816	836	1,179	4	214	3,560	421

*D/A daily average

Louisville and Nashville Railroad Company, passengers handled on Train No. 7 for 6 months period, November 1, 1967 through April 30, 1968—Continued

From	Montgomery	Montgomery (OC)	Greenville	Evergreen	Brewton	Flomaton	Flomaton (L&N byd)	Bay Minette	Mobile	Pascagoula	Biloxi	Edgewater Park	Gulfport	Bay St. Louis	Waveland	Carrollton Ave.	New Orleans	New Orleans (OC)
Cincinnati, Ohio	325	4	30	9	15	94	35	3	123	16	36		22	3			196	5
Cincinnati (OC)	514	10	61	17	20	117	100	4	206	11	17		66	6			148	29
Latonia, Ky																		
Louisville, Ky	228	1	8		5	33	14		94	13	32		32	3			97	39
Louisville (OC)	4	2				2	2		3		1						1	41
Elizabethtown, Ky	2					1	2		1								2	
Bowling Green, Ky	15					2	2		5		3		2				9	2
Bowling Green (L&N byd)																		
Nashville, Tenn	116	2	5	1	1	39	16	2	41	2	9		7				24	15
Nashville (L&N byd)	1,879	26	98	21	22	232	209	3	661	69	132	1	95	9			62	78
Decatur, Ala	14		10	2	3	33	2	1	68	14	6		10				13	3
Decatur (OC)	2						1		3		1							
Cullman, Ala	25				2	3			2	1			2	1			1	
Birmingham, Ala	892		98	33	4	97	53	11	273	23	30		23	4			112	12
Birmingham (OC)	93	4	11			19	11		82	2	16		6				2	2
Montgomery, Ala			229	8	19	55	65	1	888	36	68	2	58	8			266	41
Montgomery (OC)		6	99	41	61	243	277	32	248	82	255		265	80			873	240
Greenville, Ala						4	2		65	5	3		5				26	9
Evergreen, Ala						1					1						10	
Brewton, Ala						93			2	2							3	
Flomaton, Ala								3	35	6	3		6				40	23

Flimsten (LAN by-d)								3	5		6		3				27	20
Bay Minette, Ala																	2	
Mobile, Ala										96	60	4	47	33			2,145	145
Pascagoula, Miss											45		15	7			261	31
Biloxi, Miss													20	10			429	75
Edgewater Park, Miss																		
Gulfport, Miss														42			337	30
Bay St. Louis, Miss																	317	4
Waveland, Miss																	5	10
Carrollton Avenue																		
New Orleans, La																		
New Orleans (OC)																		
Total	3,601	30	330	117	162	1,044	777	69	3,112	375	785	7	641	166			4,443	944

APPENDIX C

	Year 1967 trains Nos. 6 and 7	First 4 months 1968 trains Nos. 6 and 7	Projected year 1968		
			Annual projection from actual results of April 1968 trains Nos. 6 and 7	Estimated revenues retained, expenses not saved from discontinuance of trains Nos. 6 and 7	Estimated revenues lost and expenses saved
Revenues:					
1. Passenger	$1,331,960	$360,915	$740,290	$399,437	$341,259
2. Dining	160,994	28,820	89,324	32,617	43,907
3. U.S. Mail	1,060,163	241,040	753,176	314,912	338,264
4. Express	309,319	52,606			
5. Baggage	2,323	1,764	3,817	2,909	2,908
6. Total	2,830,559	376,747	1,587,607	939,689	626,334
Expenses (out-of-pocket):					
7. Wages of train and enginecrews	721,702	229,170	632,520		632,520
8. Locomotive repairs	292,829	91,661	271,699		271,699
9. Locomotive fuel	276,260	66,914	220,765		220,765
10. Locomotive water, lubricants, and other supplies	35,164	11,019	32,652		32,652
11. Locomotive enginehouse expense	34,942	17,214	51,022		51,022
12. Locomotive depreciation	66,686	15,336	46,660		46,660
13. Car repairs	344,153	78,662	209,533	79,103	130,430
14. Car depreciation	23,966	5,266	15,042	8,476	6,566
15. Rent for passenger cars	171,994	26,709	45,365		45,365
16. Train supplies and expenses	278,192	88,296	143,682	42,407	101,276
17. Personal injury and livestock damage	66,538	28,684	86,554		86,554
18. Dining expenses	372,338	68,121	247,379	11,708	235,671
19. Pullman deficit	313,119	62,949	186,428		186,428
20. Cincinnati joint terminal expenses	326,134	80,896	255,618	64,604	191,014
21. Louisville joint terminal expenses	19,960				

22. Decatur joint terminal expenses	9,774	2,176	7,263	6,648	715
23. Montgomery joint terminal expenses	30,704	8,704	31,034	17,011	14,023
24. New Orleans joint terminal expenses	92,559	25,115	66,286	8,746	90,540
25. Total	3,480,006	918,144	2,561,055	238,663	2,322,392
26. Net out-of-pocket (loss) gain	(640,467)	(343,397)	(293,248)		
27. Gain from feeder services	144,646	33,936	83,581		
28. Net out-of-pocket (loss) after feeder gain	(525,361)	(309,461)	(209,667)		
				Expenses—annual projection	2,322,392
				Revenues—annual projection	628,338
				Savings to L. & N. Railroad Co.	1,694,054
				Less projectected feeder revenue gain	83,581
				Net annual savings to L. & N.	1,610,473

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